

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DENZIL ALAN STUTLER,

Plaintiff,

v.

Civil Action No. 2:15-cv-11418

CAROLYN W. COLVIN,
ACTING COMMISSIONER OF SOCIAL SECURITY,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Cheryl A. Eifert, entered on June 2, 2016; and the magistrate judge having recommended that the court grant plaintiff's Brief in Support of Judgment on the Pleadings to the extent it requests remand; and the magistrate judge having further recommended that the court deny the Commissioner's Brief in Support of the Defendant's Decision, reverse the final decision of the Commissioner, remand this case for further proceedings, and dismiss this matter from the court's docket; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

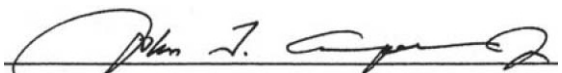
1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and they

hereby are, adopted by the court and incorporated herein;

2. The plaintiff's Brief in Support of Judgment on the Pleadings be, and it hereby is, granted;
3. The defendant's Brief in Support of the Defendant's Decision be, and it hereby is, denied;
4. The decision of the Commissioner be, and it hereby is, reversed; and
5. This matter be, and it hereby is, remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings to consider the issues identified by the magistrate judge in the Proposed Findings and Recommendation as requiring further evaluation and resolution.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

ENTER: August 9, 2016

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", is written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge